

***IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA***

***MICHAEL ANTHONY MARCAVAGE,) Number: 04-CV-4741
Plaintiff,)
v.) The Honorable Petrese B.
CITY OF PHILADELPHIA, PENNSYLVANIA,) Tucker
et. al.)
Defendants.)***

***PLAINTIFF'S POST TRIAL MOTIONS PURSUANT TO RULE 50 and RULE 59 of
the FEDERAL RULES OF CIVIL PROCEDURE***

Plaintiff hereby files the following Post Trial Motions in this matter:

1. Plaintiff requests that the Court enter judgment in his favor and against the named Defendants, pursuant to Rule 50 of the Federal Rules of Civil Procedure.
2. Plaintiff requests that judgment be entered in his favor and against the Defendants, JNOV.
3. Alternatively, Plaintiff requests that this Court grant a new trial on the following grounds:
 - a. The trial court improperly granted summary judgment in favor of the City of Philadelphia;
 - b. The trial court improperly granted the Rule 50 Motion as to the Sergeant Edwards false arrest claims under the Fourth Amendment; the dismissal of the Equal Protection claims; and the dismissal of punitive damages;
 - c. The trial court erred in admitting the noise ordinance over the Plaintiff's objection as there was no foundation that the noise ordinance was applicable to the activities of Plaintiff on South Street;

d. The trial court erred in charging the jury on the first amendment claims; reasonable time, place and manner restrictions; refusing to instruct on a heckler's veto, and refusing to instruct that Pennsylvania law recognizes an individual's right to preach while standing on a public sidewalk.

4. Plaintiff seeks leave to supplement this Post Trial Motion upon receipt of the transcript of the proceedings.

Respectfully submitted:

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